

Meeting Notes  
**NORTH DELTA AGENCY TEAM (NDAT) MEETING**  
Tuesday, December 6, 2005  
1:30-4:00 at Jones & Stokes (2600 V Street)

**ATTENDEES:**

Blakeslee, Jeannie - California Department of Conservation  
Burkholder, Brad - California Department of Fish and Game (DFG)  
Dutton, William - USBR  
Elliott, Chirs - Jones & Stokes  
Eusuff, Zaffar - California Department of Water Resources (DWR) North Delta  
Fiack, Linda - Delta Protection Commission (DPC)  
Finan, Mike - USACE  
Fritz, John - Sacramento-Yolo Mosquito Vector Control District  
Giovannini, Phil - Central Valley Regional Water Quality Control Board (CVRWQCB)  
Knittweis, Gwen - DWR North Delta  
Martin, Sara - Jones & Stokes  
Olah, Ryan - USFWS  
Ott, Ron - CBDA  
Ray, Dan - DWR North Delta  
Stevens, Craig - Jones & Stokes  
Trott, Ken - California Department of Food and Agriculture

**MEMBERS INVITED BUT NOT PRESENT:**

Aceituno, Mike - NOAA Fisheries	Lee, Phil - DWR DSOD
Allen, Summer - US EPA	Lee, Roger - DWR
Baillie, Alex - CVRWQCB	Lucchesi, Ed - San Joaquin MVCD
Bowers, Paul - USACE	McConnell, Sue - CVRWQCB
Brown, Dave - Sac-Yolo MVCD	Mraz, Dave - DWR
Cantrell, Scott - DFG	Novak, Mark - California Department of Health Services
Dadey, Kathleen - US EPA	O'Bryant, Dennis - CA DOC
Del Rosario, Rosalie - NOAA Fisheries	Orcutt, Bob - DFG
Deleon, Suzanne - DFG	Roscoe, Terry - DFG
Fernandez, Patricia - CBDA	Shaffer, Steve - CDFA
Fong, Bellory - CBDA	Starr, Jim - DFG
Fujii, Laura - US EPA	Stroh, John - San Joaquin MVCD
Hastings, Lauren - CBDA Regulatory Compliance	Stuart, Jeff - NOAA Fisheries
Healey, Michael - DFG	Wernette, Frank - DFG
Jones, Diane - SLC	Windham, Diane - NOAA Fisheries
Koenigs, Robert - US Army Corps of Engineers	

**HANDOUTS**

- Meeting Agenda
- North Delta EIR Project Description Brief
- Notes from previous NDAT meeting (March 1, 2005)

**MEETING NOTES**

**I. INTRODUCTIONS**

Dan Ray kicked off the meeting by welcoming everyone and introducing himself as the new North Delta Staff Environmental Scientist. He is working with Gwen Knittweis on the project's environmental issues. He worked previously at the California Bay-Delta Authority, and his goal as a North Delta staff

NDAT Meeting  
December 6, 2005

member is to reengage with the agency team—i.e., those with regulatory authority who will be reviewing the environmental documentation and who might be able to help secure project funding. Staff plans to spend the next nine months working hard to get through the environmental documentation to CEQA Findings.

Mr. Ray also introduced Zaffar Eusuff, the new Staff Engineer, who replaced Monica Martin. Mr. Eusuff worked previously at CH2M Hill. Mr. Ray then facilitated a round of introductions.

## **II. MARCH MEETING MINUTES REVIEW**

Mr. Ray recapped the discussion topics of the previous NDAT meeting, which was held in March 2005. At that meeting, project status was discussed, as well as project-related regulatory issues concerning mosquito vector control and DWR Department of Safety of Dams requirements for the Staten Island cross-levee. He asked if anyone had changes to or comments on the previous meeting's notes, but none were volunteered. Mr. Ray requested that any changes should be e-mailed to him at [dray@water.ca.gov](mailto:dray@water.ca.gov).

Linda Fiack, the new Executive Director of the Delta Protection Commission, asked if it was standard for North Delta staff to hold separate meetings for project update with agency staff and with public stakeholders. Mr. Ray answered that yes, the project team meets with agency staff only at the NDAT meetings, where regulatory issues are discussed, and with a larger group of stakeholders and agency representatives at the North Delta Improvements Group (NDIG) meetings, where broader project issues are discussed. He explained that other sub-groups meet when the need arises, including the North Delta Ecological Team, and the North Delta Adaptive Management Plan team.

## **III. PROJECT SUMMARY DESCRIPTION REVIEW**

Mr. Ray directed everyone's attention to the North Delta EIR Project Description Brief handout. The brief was developed with excerpted text from the first chapters of the EIR to describe the approach and framework for the project elements and alternatives and to ensure step-by-step stakeholder support and understanding. The brief contains a bulleted synopsis of the project description and includes those project elements still under consideration. Mr. Ray walked the meeting attendees through Chapter 1 of the brief, describing the history of the project and the project purpose and need.

Ron Ott offered some related background information on the Delta Cross Channel and Through-Delta Facility studies. The Delta Cross Channel was built in the 1950s by the Bureau of Reclamation to send fresh water from the Sacramento River through the Delta to the pumps at Tracy. The Bureau has recently begun shutting the gates in the spring to keep out-migrating, ocean-bound salmon in the Sacramento River. However, shutting the gates causes water quality problems in the Delta when San Joaquin River flows are low. The Bureau realized they needed to find a way to keep salmon in the Sacramento River while ensuring that water quality remained at an acceptable level at the Tracy pumps. At one time, they were looking at a Through-Delta Facility that was used for conveyance in the spring through fall, and that could be used for flood control on Morrison Creek during the wintertime.

The Bureau and CALFED are now performing a mass study for "total accounting" of all fish that pass through the Delta, and studies on upstream migrant attraction of mixed water. Phase I of their study will conclude in 2007. Mr. Ott's efforts could be affected by the North Delta project, as dredging on the Mokelumne River could affect fish migration as well as the operation of the Delta Cross Channel or a Through-Delta Facility.

Gwen Knittweis explained that the North Delta project, as originally conceived, was a component of an overall program to increase through-Delta conveyance along with Mr. Ott's program. However, the program was divided when programs were reorganized amongst the implementing agencies of CALFED. Ms. Knittweis pointed out that even though the North Delta project is no longer a conveyance project, it could still benefit immensely from the amount of knowledge gathered so far by Ron Ott and his team.

Mr. Ray then moved on to taking the meeting attendees through Chapter 2 of the project brief. He made it clear that the EIR will not identify a preferred alternative, since the North Delta Project Team is attempting to make the document as "NEPA-friendly" as possible. The project alternatives are divided into two "groups" of alternatives targeting particular elements of the project purpose and need. Group 1 elements are located primarily on McCormack-Williamson Tract and would function to control flow through the island while providing ecosystem benefits. Group 2 elements focus mainly on Staten Island actions as well as dredging of the Mokolumne River. Ms. Knittweis pointed out that grouping the project elements also allows for the implementation of certain project elements to get near-term benefits without having to fund the entire project. This approach will be built into the environmental documentation.

Mr. Ott asked if the EIR would cover all reasonable combinations of the individual alternative elements. Mr. Ray answered in the affirmative, and Ms. Knittweis added that a preferred alternative would be identified in the Final EIR.

Mr. Burkholder asked if actions on McCormack-Williamson Tract could be achieved without implementing any actions at Grizzly Slough or downstream of McCormack-Williamson Tract. Mr. Ray responded that borrow from the Grizzly Slough site will be needed to construct the wildlife-friendly levees on McCormack-Williamson Tract, and that some downstream stage mitigation may be necessary.

The three Group 1 alternatives are:

- **Alternative 1-A: Fluvial Process Optimization.** This alternative would minimize interference with natural processes. It facilitates controlled flow-through of McCormack-Williamson Tract during high stage combined with a scientific pilot action of breaching a levee to optimize fluvial processes. The southernmost portion of the tract would be open to tidal action.
- **Alternative 1-B: Seasonal Floodplain Optimization.** This alternative would maintain hydrologic control (i.e. no levee breach for fluvial processes). It facilitates controlled flow-through of McCormack-Williamson Tract during high stage combined with scientific pilot actions to maximize floodplain habitat to benefit fish species that spawn on the floodplain. This would be accomplished by allowing controlled flooding (with some tidal action to maintain water quality) during the wet season.
- **Alternative 1-C: Seasonal Floodplain Enhancement and Subsidence Reversal.** This alternative facilitates controlled flow-through of McCormack-Williamson Tract during high stage combined with scientific actions to create floodplain habitat (similar to but less than alternative 1-B), combined with an aggressive subsidence reversal demonstration project in the lowest area of the tract. This would be accomplished by allowing controlled flooding (with some tidal action to maintain water quality) during the wet season as well as sediment import.

All three alternatives include a ring levee around the KCRA tower on the northwest corner of the

island—the square-shaped levee configuration (the largest of the three configurations shown on the figures in the brief). All three alternatives include actions on Grizzly Slough as well. DWR has owned the Grizzly Slough property for a while, and as a part of this project intends to breach a levee on the slough as a starter channel into floodplain habitat. The Grizzly Slough element would not only provide great ecosystem benefits and help rebuild food chains for the Delta Smelt, but it would also provide a good amount of borrow for construction of the wildlife-friendly levees on McCormack-Williamson Tract. Dredging is also being looked at as an element of all the Group 1 actions, as it may be needed to mitigate for downstream stage increases.

Ken Trott inquired as to exactly how the subsidence reversal described under Alternative 1-C would be achieved. Mr. Ray answered that he is not familiar with all details of the project, but that an option may be using straw bales and imported sediment.

Mr. Ray then quickly described the Group 2 actions, which focus on building floodwater detention basins on Staten Island to provide additional capacity in the local system. High stage in the river would enter the detention basins upon cresting a weir.

The three Group 2 alternatives are:

- **Alternative 2-A: North Staten Detention.** This alternative would create a detention basin at the north end of Staten Island.
- **Alternative 2-B: West Staten Detention.** This alternative would create a detention basin on the upper west side of Staten Island. A setback levee would be built to allow for increased capacity through the North Fork Mokelumne River to the detention basin. Habitat restoration would be integrated with the construction of the setback levee.
- **Alternative 2-C: East Staten Detention.** This alternative would create a detention basin on the upper east side of Staten Island. A setback levee would be built to allow for increased capacity through the South Fork Mokelumne River to the detention basin. Habitat restoration would be integrated with the construction of the setback levee.

Mr. Ott noticed that the detention basins shown in the brief's figures are much smaller than those shown on the conceptual figures from the time of project scoping. Mr. Ray explained that through the hydraulic modeling process, the project team realized that there weren't as many benefits to more detention on Staten than is shown on the current figures. Ms. Knittweis added that the cost/benefit ratio was not very favorable for whole-island detention, especially considering the cost of constructing setback levees, potential fish stranding, and crane impacts. Mike Finan asked what would make constructing the setback levees so expensive. Ms. Knittweis explained that the peaty conditions on Staten Island would require the setback levees to be constructed with double the amount of earth quantities because the setback levee would begin sinking as it was constructed. The construction of setback levees and interior detention levees on Staten may not even be technically feasible. DWR is currently working on cost/benefit studies for the project, which they will share with the NDAT when complete.

A fourth Group 2 alternative (Alternative 2-D) would include dredging and levee raising on the South and North Forks of the Mokelumne River. Mr. Trott pointed out that Alternative 2-D would require more long-term maintenance than the other alternatives. Mr. Elliott concurred, and said that recent experience in the delta is showing that the return interval for maintenance dredging may be as frequent

as 5 years.

Mr. Ray also said that after careful deliberation, DWR has decided not to include actions on any of the south Sacramento County streams in the project. Jeannie Blakeslee wanted to confirm that even though south Sacramento County streams actions would not be included in the project, that the analysis would still consider their cumulative effect. Mr. Elliott confirmed that the EIR will contain cumulative impact analyses, but as of yet Sacramento County has not formulated a defined project.

#### **IV. PROJECT SCHEDULE, INCLUDING AGENCY TEAM ROLE**

Comments on the project description brief should be e-mailed to Mr. Ray at the address listed above. However, Mr. Ray indicated that a more detailed project description would be sent out at a later date to the Agency Team for official review, probably in January. The NDAT will be convened again in a couple of months to review the Administrative Draft EIR.

Mr. Ott asked if DWR has enough funding to make it through to production of a final EIR. Mr. Ray said that they do have enough. Mr. Finan asked where the funding is coming from. Ms. Knittweis explained that the environmental documentation is being funded with DWR planning money that was allocated to the project years ago through a CALFED Bureau of Reclamation funding vehicle. Funding for implementation of the project has not been identified yet.

#### **V. EIR ISSUE IDENTIFICATION: Now that you see the description, have we missed issues that need assessment?**

With the synopsis of the project description over, Mr. Elliott asked if anyone perceived any fatal flaws in the project. Mr. Ott said that earlier on, during conceptual design of the project, mercury was a concern. He asked how that issue had played out since. Ms. Knittweis answered that project staff have had numerous conversations about potential mercury impacts with various experts and regulatory agency representatives. Mr. Ray mentioned that at a recent mercury conference, the results of some new studies were shared that showed that floodplain processes were less prone to encourage mercury methylation than other restoration processes. Ms. Fiack asked if the project design would take into account the new Delta mercury total maximum daily load (TMDL) requirement. Ms. Knittweis responded in the affirmative, and said that DWR had submitted comments to the Central Valley Regional Water Quality Control Board on the TMDL.

#### **VI. REGULATORY COMPLIANCE: Anticipating information needs and permit requirements**

Mr. Finan said that since the project is not a conveyance project and it includes flood control and ecosystem restoration components, it could be implemented through the Corps' civil works department. Ms. Knittweis explained that DWR spent a lot of time pursuing that option a few years ago, but that DWR could not afford their cost-share portion of the feasibility study. DWR had to make a tough decision to go forward with a CEQA-only document, designed to be NEPA-friendly. Craig Stevens added that the Bureau of Reclamation declined a federal lead role on the project because they felt they didn't have the authority to implement it.

Mr. Finan recapped the list of items the Corps has received from DWR regarding the project, including a permit application for dredging the north and south forks of the Mokelumne River, as well as a wetland delineation sent for verification. As presently understood, he believes the project purpose is too front-loaded towards conveyance. Ms. Knittweis and Mr. Elliott clarified that the project description does not

state that conveyance is one of the purposes of the project, but that the project is compatible and consistent with many CALFED objectives, one of which is to improve conveyance by improving water supply reliability at the South Delta export pumps.

Mr. Finan asked if all the project alternatives increase the amount of water flowing through the delta. Mr. Elliott responded that none of the alternatives increase the volume of water flowing through the delta, but the project does change the timing at which the water flows through. Backing up to Mr. Finan's earlier comments regarding permit applications, Mr. Elliott indicated that detailed construction design will have to be done as part of project implementation. Because of funding restraints, detailed design will not be possible in parallel with the selection of the preferred alternative. Permitting usually falls within the 30-60% design range. The team is trying to be as "project-level" as possible with this EIR, but the agencies need to understand that there will not be detailed designs until the implementation phase. Mr. Finan responded that the Corps will be looking for project concepts that are nailed down enough for the public to provide meaningful comment. At this point, he is unsure if the project would require an EA or an EIS if it went through Corps Regulatory, but he pointed out that if it ends up requiring an EIS, the Corps would require "pretty darned detailed" plans to assess project effects.

Mr. Trott asked if this project would be complying with the new NCCP and delta-wide HCP. Mr. Stevens indicated that no one has looked at how the new NCCP will affect current projects, and that it will take a very long time to complete a delta-wide HCP, so it probably will not apply to this project. Mr. Ray said the North Delta project team will likely follow the path of action-specific implementation plan (ASIP), as has been initiated and discussed at prior NDAT meetings.

Mr. Ray also mentioned that DWR is looking into a couple of different implementation funding options, including the Corps' PL 108-361 funds, and CALFED's Delta Risk Management Strategy.

## **VII. NEXT MEETING**

The next NDAT meeting was tentatively scheduled for Wednesday, February 15, from 1:30 p.m. to 4 p.m., at Jones & Stokes.